

REMARKS

Applicants request favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Of claims 1-18 which were pending in the application, claims 1, 7, 8, and 17 were rejected in the Office Action. Applicant appreciates the allowance of claims 11-16 and 18 and the indication of allowable subject matter in claims 2-6, 9, and 10. Applicants have canceled claim 17, without prejudice or disclaimer. Accordingly, claims 1-16 and 18 remain pending for further consideration on the merits. In addition, Applicants have amended claim 18 to add an inadvertently omitted article ("of"). No new matter is presented.

1. Rejection of Claims 1, 7, 8

The Examiner rejected claims 1, 7, and 8 under 35 U.S.C. § 102(a) as allegedly being anticipated by JP 2001260407 ("Kito"). As explained below, Kito is not prior art and, therefore, Applicants respectfully traverse this rejection.

The relevant portion of 35 U.S.C. § 102 provides:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent[.]

Regardless of the instant application's claim for priority to an earlier Japanese application, the instant application was filed in the U.S. on August 25, 2000. By way of contrast, Kito was not published until September 25, 2001. In other words, as Kito was published 13 months *after* the filing of the instant application, Kito was not "described in a printed publication . . . *before* the invention thereof by the applicant," as required by § 102(a). Moreover, the Examiner has made no showing that the contents of Kito were "known or used by other *in this country*" before the Applicants' date of invention.

Accordingly, as Kito is not prior art, the rejection of claims 1, 7, and 8 under 35 U.S.C. § 102(a) must be withdrawn. Further, Applicants are unaware of any other category under § 102 under which Kito qualifies as prior art.

2. Rejection of Claim 17

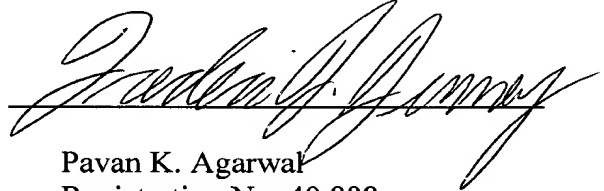
The Examiner rejected claim 17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,754,683 ("Hayahsi"). This rejection is now moot due to the cancellation of claim 17, without prejudice or disclaimer.

CONCLUSION

For the aforementioned reasons, claims 1-16 and 18 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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By 

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED REGARDING THIS APPLICATION UNDER 37 C.F.R. §§ 1.16-1.17, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 19-0741. SHOULD NO PROPER PAYMENT BE ENCLOSED HEREWITH, AS BY A CHECK BEING IN THE WRONG AMOUNT, UNSIGNED, POST-DATED, OTHERWISE IMPROPER OR INFORMAL OR EVEN ENTIRELY MISSING, THE COMMISSIONER IS AUTHORIZED TO CHARGE THE UNPAID AMOUNT TO DEPOSIT ACCOUNT NO. 19-0741. IF ANY EXTENSIONS OF TIME ARE NEEDED FOR TIMELY ACCEPTANCE OF PAPERS SUBMITTED HEREWITH, APPLICANT HEREBY PETITIONS FOR SUCH EXTENSION UNDER 37 C.F.R. § 1.136 AND AUTHORIZES PAYMENT OF ANY SUCH EXTENSIONS FEES TO DEPOSIT ACCOUNT NO. 19-0741.